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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/759,812      | 01/16/2004  | Kurt Michael Soukup  |                     | 8251             |

7590 03/04/2005

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EXAMINER

GELLNER, JEFFREY L

ART UNIT PAPER NUMBER

3643

DATE MAILED: 03/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/759,812

**Applicant(s)**

SOUKUP, KURT MICHAEL

**Examiner**

Jeffrey L. Gellner

**Art Unit**

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This application is in condition for allowance except for the following formal matters:

#### ***Specification***

The disclosure is objected to because of the following informalities:

All pages of the specification need to be numbered (see MPEP 608.01 section I- Paper Requirements).

The specification should be reviewed for numerous examples of the following:

a. Gaps in lines such as on the 2<sup>nd</sup> in the 2<sup>nd</sup> paragraph where after “penetrate” a gap exists until the next line where the text continues as “the beds and remain in the solution.”

The gaps should be deleted.

b. Capitalization of the first word of a sentence such as “cloning” from the 1<sup>st</sup> complete paragraph of the 3<sup>rd</sup> un-numbered page.

c. Un-necessary capitalized words such as “To” of the last line of text from the 3<sup>rd</sup> un-numbered page.

Finally, element 42 of Fig. 2 is not referenced (discussed) in the specification. Examiner considers element 42 of Fig. 2 to be the drains.

Appropriate correction is required. See MPEP 714 II B as to the proper method to make changes to the specification. MPEP stands for Manual of Patent Examining Procedure.

#### ***Claim Objections***

Claim 1 is objected to because of the following informalities:

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In line 1, “machine” should probably be --chamber-- to conform with horticultural/agronomic terminology.

The “storage area” of line 3 is not referenced (discussed or cited) in the specification. Therefore, the term lacks antecedent basis.

In line 4, “means for power cord to exit unit” should probably be --a means for a power cord to exit the chamber--.

In line 3, the language “hold the back of reservoir cover” should probably be --hold the back of a reservoir cover--.

The “plurality of openings” of line 5 is not referenced (discussed or cited) in the specification. Therefore, the term lacks antecedent basis.

In line 10, the “a reservoir cover” should probably be --the reservoir tray cover” so as to have conformity of terms.

In line 12, the “reservoir cover” should be --reservoir tray cover-- so as to have conformity of terms.

In lines 12 and 13, the phrase “with slots for ventilation” should probably be deleted.

All claims should end with a period --. and not a semi-colon “;”.

Appropriate correction is required. See MPEP See MPEP 714 II C as to the proper method to make changes to the claims. MPEP stands for Manual of Patent Examining Procedure.

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Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

Applicant is advised of the availability of the publication "Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office." This publication is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Examiner suggests that Applicant consult the US PTO website at [uspto.gov](http://uspto.gov).

#### ***Allowable Subject Matter***

Claims 1-4 are allowed over the art of record.

#### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Garunts et al., Munday, Chew, Lai, JP64-67137, JP1-218524, JP2-174620, JP3-

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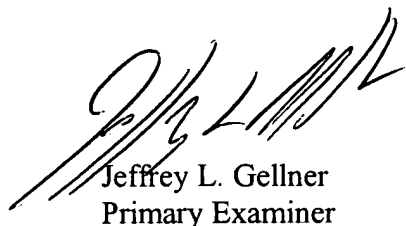
133323, JP3-160934, JP4-187034, JP7-313004, and JP9-308391 disclose in the prior art various chamber with reservoirs and trays.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Jeffrey L. Gellner whose phone number is 703.305.0053 (after 4 April 2005 use: 571.272.6887). The Examiner can normally be reached Monday through Thursday from 8:30 am to 4:00 pm. The Examiner can also be reached on alternate Fridays.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Peter Poon, can be reached at 703.308.2574. The official fax telephone number for the Technology Center where this application or proceeding is assigned is 703.872.9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.1113.



Jeffrey L. Gellner  
Primary Examiner